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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,926	04/15/2004	Ty O. Ahmad-Taylor	007412.00117	9035
71/867 7590 11/23/2010 BANNER & WITCOFF, LTD ATTORNEYS FOR CLIENT NUMBER 007412 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051				
EXAMINER				
PENG, FRED H				
ART UNIT		PAPER NUMBER		
2426				
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11/23/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,926

Applicant(s)

AHMAD-TAYLOR, TY O.

Examiner

FRED PENG

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7-14, 20, 24-36 and 39-59 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 20, 24-36, 39, 40 and 54-59 is/are allowed.
6) ☒ Claim(s) 2-7-14 and 41-53 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-544)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered 09/07/2010.

Status of Claims

2. Claims 2, 7-14, 20, 24-36 and 39-59 are pending in this application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 7-14, 41-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 41 and 47, the claimed limitations of "a window having a perimeter where a portion of the perimeter is outside the grid and another portion of the perimeter extends to a limited portion of the grid that includes but does not beyond a boundary defined by a highlighted cell" is not clear what the window really looks like. There is no clear definition for the window.

Claims 2, 7-14, 42-46 and 48-53 depend on Claims 41 and 47 respectively as described above; therefore, also are rejected based on their dependencies.

Response to Arguments

4. Applicant's arguments with respect to claims 2, 7-14, 20, 24-36 and 39-59 have been considered but are moot in view of the new ground(s) of rejection.

In reference to Applicant's arguments

Claims 2, 7-14, and 41-53 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully disagree. This rejection is improper as it attempts to reject these claims for being too broad, and not for lack of clarity. The M.P.E.P. prohibits rejecting a claim under 35 U.S.C. § 112 for being "too broad." See M.P.E.P. § 2173.04 "Breadth is Not Indefiniteness."

Examiner's response

The Examiner respectfully disagrees. The claimed limitations of "a window having a perimeter where a portion of the perimeter is outside the grid and another portion of the perimeter extends to a limited portion of the grid that includes but does not beyond a boundary defined by a highlighted cell" is rejected based on the clarity not based on the breadth.

Allowable Subject Matter

5. Claims 20, 24-36, 39, 40 and 56-59 appear to be allowable for the subject matter of "a window displaying information concerning a program title of a highlighted cell, wherein the window is located such that there are no non-highlighted cells between the highlighted cell and the window, wherein the celled grid and the window overlap such that the highlighted cell of the celled grid is located within the window, and wherein the window and the highlighted cell have a consistent background that differs from a background of other cells in the celled grid.
6. Claims 54 and 55 appear to be allowable for the subject matter of "display of scrolling of the grid cells vertically or horizontally such that titles associated with the first data set move into an adjacent row when scrolling vertically and titles associated with the second data set move into an adjacent column when scrolling horizontally, wherein a first program title occupies a window displaying program information about a first program, and when a second program title is caused to scroll into the window, at least a portion of the first program title and the second program title share the window until the first program title exits the window".

Conclusion

7. Claims 2, 7-14, 41-53 are rejected.
8. Claims 20, 24-36, 39-40 and 54-59 appear to be allowable.
9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRED PENG whose telephone number is (571)270-1147. The examiner can normally be reached on Monday-Friday 09:30-19:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Fred Peng/

Examiner, Art Unit 2426

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

November 20, 2010